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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**
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10 NYK BULK & PROJECTS CARRIERS
11 LTD,

12 Plaintiff,

13 vs.

14 DELTA CORP SHIPPING PTE LTD,

15 Defendant,

16 and

17 OVERSEA-CHINESE BANKING
18 CORPORATION, LIMITED,

19 Garnishee.
20

Case No. CV 24-08006-MRA (SKx)

IN ADMIRALTY, Fed. R. Civ. P. 9(h)

**ORDER ON EX PARTE
APPLICATION FOR ISSUANCE OF
PROCESS OF MARITIME
ATTACHMENT AND
GARNISHMENT**

[Fed. R. Civ. P., Supp. Rule B]

21 The Court, having reviewed Plaintiff NYK Bulk & Projects Carriers Ltd's *Ex*
22 *Parte* Application for Issuance of Process of Maritime Attachment and
23 Garnishment and for related relief, together with the Verified Complaint and the
24 attached attorney declaration, the Court concludes that the conditions of Rule B
25 of the Supplemental Rules for Certain Admiralty and Maritime Claims of the
26 Federal Rules of Procedure ("Supplemental Rule B") appear to exist. Plaintiff
27 has alleged a prima face admiralty claim against Defendant; Defendant cannot
28 be found in the Central District of California; and no maritime or statutory law

1 bars the attachment. *See Equatorial Marine Fuel Mgmt. Servs. Pte v. MISC*
2 *Berhad*, 591 F.3d 1208, 1210 (9th Cir. 2010).

3 Taking as true the allegation in the Verified Complaint that Defendant has
4 accounts or property held by Garnishee Oversea-Chinese Banking Corporation
5 Limited, and that Garnishee operates bank offices and a branch in the Central
6 District of California, the Court also finds that property of the Defendant can be
7 found in this District. *Compare Willis v. Princess Cruise Lines*, 2020 WL
8 5353984, at *13 (C.D. Cal. May 29, 2020) (defendant's intangible property
9 located in district where detailed allegations showed holding companies had
10 principal places of business in district), *and Australasia Charters Ltd. v.*
11 *Worldwide Bulk Ship. Pte Ltd.*, 2021 WL 859096, at *1-2 (W.D. Wash. Mar. 8,
12 2021) (property located within the district where plaintiff alleged and provided
13 proof that garnishee maintained operations there and held accounts owing to
14 defendant), *with Tonzip Mar. Ltd. v. Coral Energy Pte Ltd.*, No. 23-CV-02283-
15 DJC (AC), 2023 WL 7092880 (E.D. Cal. Oct. 26, 2023) (plaintiff's sole
16 allegation that defendant bank maintained an agent for service in district
17 insufficient to show defendant's property would be located there).

18 It is therefore:

19 **ORDERED**, that the Clerk of this Court is authorized to issue pursuant to
20 Supplemental Rule B, as detailed in the Verified Complaint, Process of
21 Maritime Attachment and Garnishment for all assets, cash, funds, credits, wire
22 transfers, accounts, letters of credit, electronic fund transfers, freights, sub-
23 freights, charter hire, sub-charter hire, or any other tangible and/or intangible
24 assets belonging to, due, claimed by, being held for or on behalf of, or being
25 transferred for the benefit of Defendant, including, but not limited to any such
26 assets as may be in the possession, custody or control of, or being transferred
27 through any garnishee within this District, and said Order being equally
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1 applicable with respect to the issuance and service of additional writs of
2 maritime attachment and garnishment upon any garnishees in this District not
3 named herein; and it is further,

4 **ORDERED**, that any person claiming an interest in the property attached or
5 garnished pursuant to said Order shall, upon application to the Court, be
6 entitled to a prompt hearing at which the Plaintiff shall be required to show why
7 the garnishment or attachment should not be vacated or other relief granted;
8 and it is further,

9 **ORDERED**, that supplemental or further writs of maritime attachment and
10 garnishment may be issued by the Clerk upon application without further Order
11 of the Court; and it is further,

12 **ORDERED**, that following initial service of a writ of maritime attachment and
13 garnishment on any Garnishee, supplemental service of maritime attachment
14 and garnishment writs on that Garnishee and related papers may be made by
15 way of facsimile transmission or email to each such Garnishee; and, it is
16 further,

17 **ORDERED**, that service on any Garnishee as described above is deemed
18 continuous throughout the day from the time of such service through the
19 opening of the Garnishee's business the next business day; and, it is further,

20 **ORDERED**, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each
21 Garnishee may consent, in writing, to accept service by any other means; and it
22 is further,

23 **ORDERED**, that Neil B. Klein of McKasson & Klein LLP, or any third-party
24 process server who is authorized to serve legal process under California law,
25 each over 18 years of age and not a party to the action, is hereby appointed to
26 act as special process server to effect service of the Process of Maritime
27 Attachment and Garnishment and Verified Complaint in this action and to effect
28 service of any supplemental process in this matter, in addition to the United

1 States Marshal; and it is further,

2 **ORDERED**, that any property attached or garnished pursuant to this Order
3 may be released from seizure without further order of the Court, as long as the
4 garnishee receives written authorization for the release from the attorney who
5 requested the attachment and garnishment, which written authorization shall
6 state that all parties in the Action have conferred through their counsel and
7 consent to the request for release, and provided that the Court has not entered
8 an order modifying the procedure for release of property attached pursuant to
9 this Order; and it is further,

10 **ORDERED**, that a copy of this Order be served with each said writ of
11 maritime attachment and garnishment; and, it is further,

12 **ORDERED** that to afford an opportunity for an expeditious hearing of any
13 objections which might be raised by Defendants, or any Garnishee, a hearing
14 may be set by calling the deputy clerk of the undersigned.

15 **IT IS SO ORDERED**

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17 Date: September _19_, 2024.

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20 STEVE KIM
21 United States Magistrate Judge
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